



United States Government

NATIONAL LABOR RELATIONS BOARD

Office of the Executive Secretary

1015 Half Street, SE

Washington, DC 20570

Telephone: 202-273-1949

Fax: 202-273-4270

www.nlr.gov

December 19, 2017

Lawrence D. Levien
James C. Crowley
Akin Gump Strauss Hauer & Feld, LLP
1333 New Hampshire Avenue, NW
Washington, DC 20036

**Re: Caesars Entertainment Corp. d/b/a RIO All-Suites Hotel and Casino
Case 28-CA-060841**

Dear Mr. Levien and Mr. Crowley:

This letter acknowledges receipt of the Respondent's Motion for Reconsideration or Reopening the Record and Rehearing, filed with the Board on December 18, 2017 in the subject case.

Section 102.48(c)(2) of the Board's Rules and Regulations provides that any motion for reconsideration of a Board decision shall be filed within 28 days, or such further period as may be allowed, after service of the decision. Respondent's motion seeks reconsideration of the Board's Decision and Order which was issued on August 27, 2015. As stated above, the motion for reconsideration here was filed on December 18, 2017, more than two years after the issuance of the Board's decision in this matter. Accordingly, the motion for reconsideration is untimely.

Moreover, this case is currently pending in the United States Court of Appeals for the Ninth Circuit on the application of the National Labor Relations Board to enforce the Board's August 27, 2015 Decision and Order (362 NLRB No. 190). Section 10(d) of the National Labor Relations Act ("the Act") provides that "the Board may at any time, upon reasonable notice and in such manner as it shall deem proper, modify or set aside, in whole or in part, any finding or order made or issued by it." 29 U.S.C. § 160(d). However, Section 10(e) of the Act makes clear that such power terminates "[u]pon the filing of the record with [the court]." 29 U.S.C. § 160(e); *accord Ford Motor Co. v. NLRB*, 305 U.S. 364, 368 (1939) ("The authority conferred upon the Board by Section 10(d) . . . end[s] with the filing in court of the transcript of record."). From that point forward, "the jurisdiction of the court [is] exclusive." 29 U.S.C. § 160(e); *see also Kronenberger v. NLRB*, 496 F.2d 18, 19 (7th Cir. 1974) (the court's "jurisdiction . . . [is] concurrent with that of the Board until the transcript of record [is] filed").

Here, the administrative record in the above-referenced case was filed with the Ninth Circuit on June 20, 2017. Under the clear terms of Section 10(e) of the Act, the Board ceased to have

jurisdiction over the case at that point. The Board accordingly has no jurisdiction to entertain your motion, and therefore it will not be forwarded to the Board for consideration.

Very truly yours,

/s/ Farah Z. Qureshi
Associate Executive Secretary

cc: Parties
Region